

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re: Williams, Tyna Frances

BKY Case No. 24-42375
Chapter 13

Debtor(s).

**NOTICE OF HEARING AND MOTION TO CONTINUE THE AUTOMATIC STAY
UNDER 11 U.S.C. §362(c)(3)**

TO: The Chapter 13 Trustee, the United States Trustee and the Creditors and Parties in Interest listed on the Service List.

1. Debtor(s), above-named, move the court for the relief requested below and give Notice of Hearing.
2. The Court will hold a hearing on this motion at 3:00 pm on Tuesday, October 1, 2024. The hearing will be conducted telephonically. Please dial 1-888-684-8852 to call in for the hearing. When prompted, enter access code: 5988550. When prompted, enter security code: 0428. Any person wanting to appear in person must contact Judge Fisher's Courtroom Deputy at 651-848-1061 at least 48 hours prior to the hearing.
3. Any response to this motion must be filed and served by delivery or mail not later than Tuesday, September 24, 2024, which is seven days before the time set for the hearing (including Saturdays, Sundays and holidays). UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.
4. This court has jurisdiction over this motion pursuant to 28 U.S.C. §§157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this Chapter 13 case was filed on September 3, 2024. This case is now pending in this court.

5. This motion arises under 11 U.S.C. §362(c)(3). This motion is filed under Bankruptcy Rule 9013 and Local Rules 9013-1 through 9013-3. Debtor(s) request relief of this court for an order continuing the automatic stay beyond 30 days from the date of filing. Debtor(s) filed a previous Chapter 13 on October 17, 2023 which was subsequently dismissed on 7/01/2024. The case was dismissed for failure to make the plan payments.

6. A separate memorandum of fact and law is submitted along with this motion.

WHEREFORE, debtor(s) pray for an order continuing the automatic stay.

Dated: September 19, 2024

LIFEBACK LAW, P.A.

/e/ James Jensen Kowski #0402116

James Jensen Kowski
6445 Sycamore Court North
Maple Grove, MN 55369
(612) 843-0529
james@lifebacklaw.com

Verification

I, James Jensen Kowski, the attorney for the debtors in this case, state and declare under penalty of perjury that the foregoing and supporting documents are true, correct, and accurate to the best of my knowledge, information and belief.

Dated: September 19, 2024

/e/ James Jensen Kowski

**UNITED STATES BANKRUPTCY COURT
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MEMORANDUM OF LAW

FACTS

Debtor(s) filed a Chapter 13 bankruptcy case on September 3, 2024.

Debtor(s) had a previous Chapter 13 bankruptcy case pending within the past one year. The previous case was filed on October 17, 2023 and dismissed on 7/01/2024.

During debtor's prior Chapter 13 case, Debtor had fluctuating income and as a result was not able to make their scheduled plan payments. Debtor now has new employment, and anticipates this will allow them to make the Chapter 13 plan payments as scheduled.

LAW

Pursuant to 11 U.S.C. §362(c)(3)(A), the stay for any action outlined under subdivision (a) shall terminate on the 30th day after filing if a previous case was pending and dismissed within the preceding one year period (except a case dismissed under 707(b)). Under 11 U.S.C. (C)(3)(B), on motion of a party in interest, the stay can be continued as to any and all creditors after notice and a hearing completed within the 30 days if the party in interest (the debtor in the instant case) can demonstrate the latter case was filed in good faith. Under 1 U.S.C. §(c)(3)(C), a case is presumptively filed not in good faith if 1) more than one previous case was pending within the preceding one year, or 2) a previous case was dismissed within one year after the debtor(s) failed to file or amend a petition or other document as required by Title 11 of the United

States Code or by order of the court without a substantial excuse (but mere inadvertence or negligence shall not be a substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney), or 3) the debtor(s) failed to provide adequate protection as required by the court, or 4) the debtor(s) failed to perform the terms of a plan confirmed by the court, or 5) there has been a substantial change in the financial or personal affairs of the debtor(s) since the dismissal of the next most previous case under Chapter 7, 11 or 13 or any other reason to conclude that the latter case will be concluded - if a Chapter 13 with a confirmed plan that will be fully performed. The presumption of lack of good faith can be rebutted by clear and convincing evidence and conditioned or limited as the court may impose. 11 U.S.C. §362(c)(a)(C).

The instant case was filed in good faith and the debtor(s) will be able to obtain a confirmed Chapter 13 plan and pay for that plan. Since the dismissal of the previous Chapter 13 bankruptcy on 7/01/2024, Debtor had fluctuating income and as a result was not able to make their scheduled plan payments. Debtor now has new employment, and anticipates this will allow them to make the Chapter 13 plan payments as scheduled.

Debtor(s) filed this case on September 3, 2024. This hearing is within the 30 day statutory time- frame. Since the motion requests to continue of the automatic stay as to all creditors, all creditors and other parties in interest on the court's matrix have been served.

Dated: September 19, 2024

KAIN & SCOTT, P.A.

/e/ James Jensen Kowski #0402116
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Maple Grove, MN 55369
(612) 843-0529
james@lifebacklaw.com

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ORDER

This matter came before the Court on Debtors request for relief and motion to continue the automatic stay under 11 U.S.C. §362(c)(3).

Based on the files and records herein,

IT IS ORDERED:

1. Debtors motion is GRANTED.
2. The automatic stay is continued under 11 U.S.C. §362(c)(3).

Dated: _____

United States Bankruptcy Judge

Americash
Attn: Managing Agent
2400 East Devon Ave
Des Moines, Iowa 60018

LVNV Funding, LLC
Attn: Corporation Service
Company
355 S Main Street
STE 300-D
Greenville, SC 29601

LVNV Funding, LLC
Attn: Corporation Service
Company
2345 Rice Street
Suite 230
Roseville, MN 55113

Premier Bank
ATTN: Managing Agent
2866 White Bear Ave,
Maplewood MN 55109

First Premier Bank
ATTN: Managing Agent
3401 S Kiwanis Ave
Sioux Falls, SD 57105

Landlord Resource Network
ATTN: Managing Agent
3201 Hennepin Ave S
Minneapolis, MN 55408

Professional Collectors Corp
Attn: Managing Agent
609 1st Ave SW
Rochester, MN 55901

Radius Global Solutions
ATTN: CT Corporation
System Inc
1010 Dale St N
St. Paul, MN 55117

Destiny Mastercard
ATTN: Managing Agent
PO BOX 4477
Beaverton OR, 97076

SA Management LLC
ATTN George E Sherman
233 Park Avenue South,
Suite 201
Minneapolis, MN 55415

Telecom Selfreported
ATTN Registered Agent
NCTUE Disclosure Report
Exchange Service Center:
PO Box 105161
Atlanta, GA, 30348

Xcel Energy Inc
ATTN Corporation Service
Co
2345 Rice St, Suite 230
Roseville, MN, 55113

SA Midtown Exc. Apt. Lmt.
Part
ATTN SA Investment LLC
233 Park Ave S #201
Minneapolis, MN 55415

Self Financial Inc
ATTN Cogency Global Inc
6160 Summit Drive N
Suite 205
Brooklyn Center, MN 55430

US Department of Education
ATTN Registered Agent
400 Maryland Avenue SW
Washington, D.C 20202

Minneapolis
301 Diana E. Murphy U.S.
Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Americash
PO BOX 1728
Des Plaines, IL 60017

Destiny Mastercard
PO BOX 23030
Columbus GA 31902-3030

First Premier Bank
Attn: Bankruptcy Dept
Po Box 5515
Sioux Falls SD 57117-5515

Internal Revenue Service
Centralized Insolvency
PO Box 7346
Philadelphia PA 19101-7346

LVNV Funding, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Landlord Resource Network
225 S 6th St. Suite 3900
Minneapolis MN 55402-4622

MN Dept of Revenue
Attn: Denise Jones
PO Box 64447
Saint Paul MN 55164-0447

Premier Bank
301 Central Ave
Osseo MN 55369-1126

Professional Collectors Corp
Attn: Bankruptcy
755 South Main Street Fond du Lac WI
54935-5739

Radiusglobal
9550 Regency Square Blvd
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SA Management LLC
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Minneapolis MN 55415-1112

SA Midtown Exc. Apt. Lmt. Part
2929 Chicago Ave
Minneapolis MN 55407-1390

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U.S. Department of Education
Ecmc/Attn: Bankruptcy
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Saint Paul MN 55116-0408

US Department of Education
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Saint Paul MN 55116-0448

US Trustee
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UNSWORN CERTIFICATE OF SERVICE

I, Brooke Abraham, declare under penalty of perjury that on September 19, 2024, I caused to be served the Notice of Hearing and Motion to Continue the Automatic Stay Under 11 U.S.C. §362(c)(3), Memorandum of Law, Affidavit of Tyna Frances Williams and Proposed Order via the CM/ECF system to those parties requesting electronic notification and upon all parties in interest at the address set forth in the exhibit which is attached hereto, by first class mail with postage prepaid.

Dated: September 19, 2024

/e/ Brooke Abraham
Brooke Abraham
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Maple Grove, MN 55369
(612) 843-0529